



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 4, 1996

Ms. Judith A. Hunter
City Attorney's Office
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-04-09

OR96-2025

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102000.

The City of Georgetown (the "city") received an open records request for all police reports pertaining to the arrest and detention of the requestor's son. You have submitted to this office as responsive to the request an "Offense Report" and an "Arrest Report." You state that the city has released the "front page offense report information" from the Arrest Report to the requestor. *See generally* Open Records Decision No. 127 (1976). You seek to withhold all remaining records pursuant to section 552.108 of the Government Code.¹

Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the records at issue clearly come within the purview of section 552.108, we conclude that most of the information at issue may be withheld under this section.


We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*,

¹Because we resolve your request under section 552.108, we need not address the applicability of the informer's privilege to these records.

536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, the city must release the types of information that are considered to be front page offense report information from both the offense report and the arrest report, even if this information is not actually located on the front page of those reports. For your convenience, we have attached a list of the types of information the city must release from these records. Although section 552.108 authorizes the city to withhold the remaining information from disclosure, the city may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Sam Haddad
Assistant Attorney General
Open Records Division

SH/RWP/ch

Ref.: ID# 102000

Enclosures: Summary of Open Records Decision No. 127
Submitted documents

cc: Ms. Patricia Warren
301 Raintree Drive
Georgetown, Texas 78626
(w/Summary of Open Records Decision No. 127; w/o documents)